

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WARREN EASTERLING,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 3:13cv430
	:	
JUDGE DALE CRAWFORD and	:	JUDGE WALTER H. RICE
CHIEF JUSTICE MAUREEN O'CONNOR,	:	
	:	
Defendants.	:	

DECISION AND ENTRY ADOPTING INITIAL (DOC. #4) AND
SUPPLEMENTAL (DOC. #8) REPORT AND RECOMMENDATIONS OF THE
UNITED STATES MAGISTRATE JUDGE AND OVERRULING
“PETITIONER’S” OBJECTIONS THERETO (DOC. #5, #9 AND #10);
ORDERING CLERK NOT TO ISSUE PROCESS IN CAPTIONED CAUSE;
FINDING DEFENDANT HAS FAILED TO SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE IMPOSED UNDER FED. R. CIV. P. 11; JUDGMENT TO
ENTER IN FAVOR OF “RESPONDENTS” AND AGAINST “PETITIONER,”
DISMISSING THE CAPTIONED CAUSE WITH PREJUDICE AND IMPOSING
SANCTIONS; TERMINATION ENTRY¹

Based upon reasoning and citations of authority set forth in the Initial (Doc. #4) and
Supplemental (Doc. #8) Reports and Recommendations of the United States Magistrate Judge, as
well as upon a thorough *de novo* review of the entirety of this Court’s file and all other litigation
filed by this Defendant in this Court and related litigation filed in state court, as well as upon a

¹Plaintiff refers to himself as “Petitioner” and to Defendants as “Respondents.” Herein,
the Court, seeing no reason to deviate from traditional nomenclature in this type of litigation, will
refer to the parties as “Plaintiff” and “Defendants” respectively.

thorough *de novo* review of the applicable law, this court adopts said Reports and Recommendations in their entirety. Plaintiff's Objections to said judicial filings (Doc. #5, #9, and #10) are overruled. The Clerk of Court is ordered not to issue process in the captioned cause, given that this Court lacks subject matter jurisdiction over the claims set forth in Count One and that, with regard to Counts Two and Three, same fail to state a claim upon which relief can be granted and are frivolous under 28 U.S.C. § 1915. Moreover, based upon the chronology of this case, noting that this is the fourth lawsuit Plaintiff has filed in this Court, attempting to obtain relief from the same state court judgment, albeit in slightly different form, as well as upon a review of all other cases filed by Plaintiff in this Court, many if not most of them being carbon copies of similar lawsuits against the same Defendants, setting forth the same theories of relief, in spite of previous dismissals addressing and disagreeing with those theories, and, finally, given this Court's conclusion that Plaintiff has failed to show cause why sanctions under Fed. R. Civ. P. 11 should not issue, this Court orders that Plaintiff is prohibited from attempting to file any further litigation with the Clerk of Courts of this judicial district, seeking *in forma pauperis* status, without the express written permission of the Chief Judge.²

In ruling as aforesaid, this Court makes the following, non-exclusive, observations:

1. Magistrate Judge Merz has achieved a significant, helpful result in his detailed, highly accurate and time-consuming review of the Plaintiff's filings in this court and in the state courts of Ohio, in addition to accurately setting forth the details of the captioned cause and the

² In addition, Plaintiff's conduct is, as expressed by Magistrate Judge Merz, "strikingly similar to the behavior which resulted in his being declared a vexatious litigator in the Ohio courts."

three similar lawsuits filed in this Court attempting to obtain relief from the same state court judgment, all against the same state trial judge, albeit in slightly different form. It would be both unnecessary and an enormous waste of judicial effort for this Court to attempt to restate his analysis. Suffice it to say, this Court's review of the aforementioned materials convinces it that Magistrate Judge Merz' legal analysis, and the facts contained therein, are uniformly accurate.

2. If Magistrate Judge Merz cannot successfully explain the preclusive effect of the Rooker-Feldman Doctrine to Plaintiff, there is absolutely nothing this Court can do to succeed where the Magistrate Judge has failed. In short, under the facts of these cases, the District Court does not sit as an "appellate body" to review decisions of state trial courts. Indeed, as has been explained to Plaintiff on a myriad of occasions, other than in specific types of litigation not here relevant, federal courts have no subject matter jurisdiction to review decisions of state courts, save and excepting a direct appeal from the State Supreme Court to the United States Supreme Court. This Court's "federal question subject matter jurisdiction" does not, as has been explained to Plaintiff, either supplant or make a nullity of the Rooker-Feldman Doctrine. Nor does that doctrine apply only to valid judgments. A void judgment obtained in state court can only be attacked through the state appellate process, not by a filing in a federal district court.

3. Apparently growing frustrated with Magistrate Judge Merz' refusal to ignore Supreme Court authority, binding upon this and every other federal court in the United States, Plaintiff has taken to calling Magistrate Judge Merz a "racist," "racially incompetent," and a part of a "racist conspiracy," disregarding Plaintiff's rights by racist machinations. Reminding the Court

that “Plaintiff is neither a slave [n]or a nigger,” he promises that more filings and objections are to come. While this Court does not expect the Plaintiff to answer this question, the undersigned feels that it must be posited to him nonetheless: Magistrate Judge Merz is a jurist nationally renowned for his intellect, integrity and competence. Why would he, at his advanced age, jeopardize his career and his reputation by engaging in “maliciously racist” conduct in order to deprive this Plaintiff (one of probably 10,000 or more whose rights he has adjudicated over the years) of his rights in his litigation against Judge Dale Crawford? Rather than calling Magistrate Judge Merz “a liar” and accusing him of a racist conspiracy to deny him his rights, Plaintiff would be well advised to consider the efforts that judicial officer has made to afford him a fair and thorough hearing by, *inter alia*, conducting a lengthy oral argument in open Court and drafting a twenty-nine page Report and Recommendations, carefully and accurately explaining to Plaintiff where his legal analysis falls short.

WHEREFORE, based upon the aforesaid, this Court adopts, in their entirety, the Initial (Doc. #4) and Supplemental (Doc. #8) Reports and Recommendations of the United States Magistrate Judge, and overrules the Plaintiff’s Objections to said judicial filings (Doc. #5, #9 and #10). Judgment is to enter in favor of the Defendants and against Plaintiff herein, dismissing the captioned cause with prejudice, as to Count One for lack of subject matter jurisdiction (*res judicata* and the Rooker-Feldman Doctrine), as to Counts Two and Three for failure to state a claim and as frivolous under 28 U.S.C. § 1915. The Clerk of Court is ordered not to issue process in the captioned cause. Said judgment is to further reflect that Plaintiff has failed to show cause why he should not be sanctioned under Fed. R. Civ. P. 11 and that, accordingly, given that he has abused

the privilege of proceeding *in forma pauperis* in this Court, he is barred from doing so in future litigation without the prior written authorization of the Chief Judge of this district.

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

March 31, 2015



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:
Warren Easterling, *Pro Se*
Counsel of record